

**Department of Mental Health  
Exceptions Committee Meeting**

**October 1, 2004**

**Minutes**

In attendance were Rosie Anderson-Harper, Rebecca Carson, Julie Carel, Jodi Frederick, Julie Carel, Donna Haley, Jane Perry as consultant and coordinator Richard Overmann.

Lisa Thomas operates a family living arrangement for children who are mentally ill. She requested an exception from TB screening requirements under subsection 9 CSR 40-6.035(1)(A) [residents] and 9 CSR 40-6.075 [staff]. The residents do not have to be tested because there is an interpretative guideline exempting them. Ms. Thomas states that six family members in her household have to be tested and this requires twelve doctor appointments. The committee denied the request.

Linda Collins, a private individual, requests an exception under DOR 6.515. She was an employee of the Kansas City Regional Center. She committed second degree assault on a law enforcement officer in July 2002 by rear-ending a police car while intoxicated and was incarcerated for 19 months. The committee was uncomfortable with the fact that Ms. Collins has just been released from prison and has not had an extended period of unsupervised sobriety. The committee denied the request.

Chariton Valley Association, Kirksville, requested an exception under 9 CSR 10-5.210 on behalf of Boyd March who is disqualified from employment due to having committed second degree burglary in 1996 when he was 19 years old. The committee noted that Mr. March had also been found guilty of distribution/manufacture of a controlled substance. The committee denied the request due to the vulnerability of persons who are mentally retarded or developmentally disabled.

Family Guidance Center requested a waiver of qualification for Cathie Nocks. The author of the request, Michael Stuart, contacted the coordinator on September 29, 2004 and withdrew the request. For this reason the committee did not consider the request.

Personal Care Services – Centerville House. This home was found out of compliance with the new MRDD fire safety requirements under 9 CSR 45 -5.130(2) because the second upstairs exit is a large window leading to a fire escape. The committee resolved to refer the question to the Office of the State Fire Marshal but to first obtain additional information from the provider.

- How large is the window opening, i.e. how much room do residents have to climb through when the window is open?
- How does it open, (for example, does it slide up and down?)
- Are all of your residents capable of opening the window and climbing out with ease.
- Is the window equipped with a screen?
- Is a tool or tools required to open the window?
- Is the window ever locked? If so, what kind of lock?
- Is the attic portion of the second floor used for any purpose other than to provide access to the window.

- How high is the ceiling in the attic space at its highest point and at its lowest point.
- The letter noted that the exit has worked well for six years. For what purpose is the exit used other than to provide a fire exit.

Personal Care Services – Capelle House. This home was found out of compliance with the new MRDD fire safety requirements under 9 CSR 45 -5.130(2) because the basement, where the residents do their laundry, lacks a second exit. Jane Perry, Regional Licensure and Certification Director, had visited at the home and advised the committee that the only exit was a steep stairs that went up in to the interior of the first floor with no access along the stairs to the out-of-doors. The committee denied the request.

Personal Care Services – Saturn House. This home was found out of compliance with the new MRDD fire safety requirements under 9 CSR 45 -5.130 because it lacks a required exit from the garage, other than the large electrically controlled garage door. The committee noted that the state fire marshal inspector recommended that the facility achieve compliance by providing a ramp at the front door. The committee denied the request.

Personal Care Services – 120 Second Street in Monroe City. This home lacks interior finish as required under 9 CSR 45 -5.130(5). The owner noted that if he finishes the ceiling as required, the ceiling height will be lower than the 7'6" requirement. The committee decided to consult with the state fire marshal to regarding the option of requiring the finished ceiling but waiving the height requirement.

October 4, 2004

Lisa Thomas  
209 W. Leslie Lane  
Columbia, MO 65202

Dear Ms. Thomas:

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter of July 30, 2004 requesting an exception from tuberculin control regulations under 9 CSR 40-6.075(3)(A). The committee did not approve an exception,

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If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely.

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Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Mike Stuart, Director  
Family Guidance Center

Dear Mr. Stuart:

On October 1, 2004, the Department of Mental Health Exceptions Committee reviewed your letter dated September 22, 2004, requesting an exception for Cathie Nocks. I informed the committee of your phone call to me on September 30, 2004 withdrawing your request. For this reason the committee did not consider your request.

If we have misunderstood your intentions regarding this matter, please contact me at 573-751-8077..

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Terry Combs, Executive Director  
Chariton Valley Association  
905 E. George  
Kirksville, MO 63501

Dear Mr. Combs:

On October 1, 2004, the Department of Mental Health Exceptions Committee reviewed your letter for an exception dated September 20, 2004. The letter requested an exception from 9 CSR 10-5.190 on behalf of Boyd March. The committee denied the request due to the extreme vulnerability of persons who are mentally retarded or developmentally disabled. Mr. Boyd has the right to repeat the request in twelve months.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Linda Collins  
100 Lakeview Dr.  
Wood Heights, MO 64024

Dear Ms. Collins:

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter of August 5, 2004 which we received on September 15, 2004. The letter requested a waiver under 9 CSR 10-5.190. The committee denied the request, noting that you have just been released from incarceration and have not yet had an extended period of unsupervised sobriety. Under section 630.170 RSMo you have the right to repeat your request for an exception in twelve months.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Paul Holtschlag, President  
Personal Care Services, Inc.

Dear Mr. Holtschlag:

RE: Centerville House

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter dated September 28, 2004. Your letter requested an exception of requirements for a second exit under 9 CSR 45-5.130 (2). As we understand your situation, the second exit from the second floor consists of a large window which provides access to an outside fire escape. The committee asked for the following additional information.

- How large is the window opening, i.e. how much room do residents have to climb through when the window is open?
- How does it open, (for example, does it slide up and down?)
- Are all of your residents capable of opening the window and climbing out with ease.
- Is the window equipped with a screen?
- Is a tool or tools required to open the window?
- Is the window ever locked? If so, what kind of lock?
- Is the attic portion of the second floor used for any purpose other than to provide access to the window.
- How high in the ceiling in the attic space at its highest point and at its lowest point.
- You mentioned that the exit has worked well for six years. For what purpose is the exit used other than to provide a fire exit.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Paul Holtschlag, President  
Personal Care Services, Inc.

Dear Mr. Holtschlag:

RE: Capelle House

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter dated September 28, 2004. Your letter requested an exception of requirements for a second exit from the basement area. The committee denied the request.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator



October 4, 2004

Paul Holtschlag, President  
Personal Care Services, Inc.

Dear Mr. Holtschlag:

RE: Saturn House

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter dated September 28, 2004. Your letter requested an exception of requirements for ramps and second exits under 9 CSR 45-5.130. The committee noted that the state fire marshal inspector recommended that the facility achieve compliance by providing a ramp at the front door. The committee denied the request.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

October 4, 2004

Paul Holtschlag, President  
Personal Care Services, Inc.

Dear Mr. Holtschlag:

RE: Saturn House

On October 1, 2004 the Department of Mental Health Exceptions Committee reviewed your letter dated September 28, 2004. You stated in your request that if you finish the ceiling as required in section (5), you would not be in compliance with ceiling height requirements as required in subsection (1)(S). The committee decided to consult with the state fire marshal regarding the option of requiring the finished ceiling but waiving the height requirement if necessary.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

Randy Cole  
Assistant State Fire Marshal

Dear Mr. Carr:

Attached is an e-mail we received from Paul Holtschalg of Personal Care Services, Inc. He is requesting an exception from fire safety requirements. Also attached are the responses of our Exceptions Committee.

The committee is asking for more information about one of the homes and denied the waiver for two homes. Copies of the committee's response for each home is attached.

At this point I would like to draw your attention to the request for the home on 120 South Main in Monroe City. The state fire marshal inspector is requiring Mr. Holtschalg to finish the interior of the basement. In his request to us, Mr. Holtschalg is stating that if he finishes the ceiling he will not be in compliance with the 7'6" ceiling height requirement. There are two possible resolutions.

1. As we read the section on ceiling heights in 9 CSR 45-5.130 (1)(S), it appears that the ceiling height for an existing home is 7', not 7'6".
2. If we misread the rule and the ceiling height requirement is indeed 7'6", we would like you to consider whether a waiver the ceiling height in this case would be reasonable.

If you have any questions or need additional information, please contact me at 573-751-8077.

Thanks for your consideration.

Sincerely yours,

Richard H. Overmann  
Exceptions Committee Coordinator

Attachments

Responses to Mr. Holtschlag  
A copy of 9 CSR 45.5.130